

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
KYMBERLY CALIXTO, L.P.N.	:	
License # 26NP06768000	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kymberly Calixto ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about January 20, 2015, a letter of inquiry issued to Respondent on behalf of the Board asking Respondent to provide documentation, in the form of certificates of

completion, of all nursing continuing education completed in the last three years.

3. Respondent provided no certificates of completion. Respondent provided a printout indicating that in December of 2013 she had completed 14.5 "credits" of continuing education. There is no indication on the printout that these courses constitute qualifying continuing education within the intendment of N.J.A.C. 13:37-5.3, or that the "credits" correspond to contact hours required by N.J.A.C. 13:37-5.3. N.J.A.C. requires completion of thirty (30) contact hours of qualifying continuing education before the end of each two-year licensing cycle.

4. Respondent indicated on her 2014 renewal application that she would have completed all required continuing education for the June 1, 2012 - May 31, 2014 licensing cycle by May 31, 2014.

#### CONCLUSIONS OF LAW

Respondent's failure to demonstrate timely completion of thirty (30) contact hours of continuing education for the June 1, 2012 - May 31, 2014 licensing cycle by May 31, 2014 constitutes a violation of N.J.A.C. 13:37-5.3., subjecting her to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her 2014 renewal application that she would have completed all required continuing education for the June 1, 2012 - May 31, 2014 licensing cycle by May 31,

2014 constitutes misrepresentation within the intendment of  
N.J.S.A. 45:1-21(b).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and a two hundred and fifty dollar (\$250) civil penalty was entered on May 28, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing proof of completion of 31.2 hours of continuing education in July 2015. Respondent may apply 30 of those hours to cure the deficiency of the June 1, 2012 - May 31, 2014 biennial period and avoid suspension of her license. The remaining 1.2 hours may be applied to the June 1, 2014 - May 31, 2016 biennial period.

The Board reviewed Respondent's submissions and determined

that further proceedings were not necessary and that no material discrepancies had been raised. Inasmuch as Respondent cured the deficiency in her continuing education, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to timely complete the required continuing education within the June 1, 2012 - May 31, 2014 biennial period warrants imposition of a two hundred dollar and fifty dollar (\$250) civil penalty. Also, a reprimand is warranted for Respondent's corresponding answer on her renewal application whereby she misrepresented that she had completed the required continuing education when she was unable to demonstrate, to the satisfaction of the Board, that she had done so.

ACCORDINGLY, IT IS on this 14<sup>th</sup> day of December, 2015,  
ORDERED that:

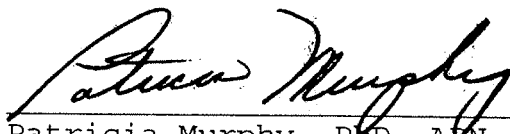
1. A reprimand is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b).

2. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby imposed for respondent's failure to timely complete required nursing continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box

45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education completed after May 31, 2014 and applied to cure the deficiency of a previous biennial period shall not also be applied towards the current biennial period. Respondent shall complete another 28.8 hours of continuing education prior to May 31, 2016 to satisfy the requirements of the June 1, 2014 - May 31, 2016 biennial period.

NEW JERSEY STATE BOARD OF NURSING

By:   
Patricia Murphy, PhD, APRN  
Board President